

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

DO NO HARM, a nonprofit corporation  
incorporated in the State of Virginia,

Plaintiff,

v.

WILLIAM LEE, in his official capacity as  
Governor of the State of Tennessee,

Defendant.

No. 3:23-cv-01175

**JUDGE CAMPBELL  
MAGISTRATE JUDGE HOLMES**

**JOINT CASE RESOLUTION STATUS REPORT**

Pursuant to the January 11, 2024, Initial Case Management Order, ECF. No. 22, the parties,  
by counsel, submit the following Joint Case Resolution Status Report and state as follows:

1. On November 8, 2023, Plaintiff filed its initial complaint. ECF No. 1.
2. On December 14, 2023, Defendant contacted Plaintiff regarding the Governor's  
appointments to two vacancies on the Board of Podiatric Examiners. The parties then conferred  
via telephone and email but could not resolve the case because they disagreed on Article III  
standing and liability.
3. On January 8, 2024, Defendant moved to dismiss Plaintiff's initial complaint. ECF  
No. 20.
4. On January 19, 2024, Plaintiff filed its First Amended Complaint. ECF No. 23. On  
February 2, 2024, Defendant moved to dismiss Plaintiff's Amended Complaint. ECF. No. 25.  
Subsequently, Plaintiff filed its opposition to Defendant's Motion to Dismiss on February 16, 2024,  
ECF. No. 26, and Defendant filed his reply on March 1, 2024. ECF No. 30. This motion remains  
pending before the Court.

5. No written discovery has yet been served in the case, as the parties have chosen to postpone discovery pending the resolution of the motion to dismiss. The standing questions raised in Defendants' motion to dismiss are based in law and not in disputed facts, and therefore discovery would not aid in their resolution.

6. On June 26, 2024, the counsel for the parties again conferred via phone to discuss resolution of this case. The parties discussed the current posture of the case and whether there were any new considerations that would have altered the parties' previously stated positions on Article III standing and liability—none exist at this time. The parties continue to disagree on these issues and were unable to reach a settlement.

DATED: June 28, 2024.

Respectfully submitted,

/s/ Reed N. Smith  
Reed N. Smith (#040059)  
Trenton Meriwether (#38577)  
Tennessee Attorney General's Office  
P.O. Box 20207  
Nashville, Tennessee 37202  
(615)741-3491  
reed.smith@ag.tn.gov  
trenton.meriwether@ag.tn.gov

*Attorneys for Defendant*

/s/ Laura D'Agostino  
Laura D'Agostino, Va. Bar No. 91556\*  
PACIFIC LEGAL FOUNDATION  
3100 Clarendon Boulevard, Suite 1000  
Arlington, VA 22201,  
Telephone: (202) 888-6881  
LDAgostino@pacificlegal.org

Joshua P. Thompson, Cal. Bar No. 250955\*  
PACIFIC LEGAL FOUNDATION  
555 Capitol Mall, Suite 1290  
Sacramento, CA 95814  
Telephone: (916) 419-7111  
JThompson@pacificlegal.org

Daniel J. Turklay (#034600)  
Turklay Law  
11205 Lebanon Rd #51  
Mt. Juliet, TN 37122  
Telephone: (615) 838-5903  
daniel@turklaylaw.com  
*Attorneys for Plaintiff*

\**Pro Hac Vice*

## CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2024, the forgoing document was served upon counsel for the defendant via CM/ECF service.

Reed N. Smith  
Trenton Meriwether (#38577)  
Tennessee Attorney General's Office  
P.O. Box 20207  
Nashville, Tennessee 37202  
reed.smith@ag.tn.gov  
trenton.meriwether@ag.tn.gov

/s/ Laura M. D'Agostino  
Laura M. D'Agostino